IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 27216 of 2007(M)

PETITIONER:

THE CHRISTIAN CHARITABLE AND EDUCATION CENTRE,
REG. NO. K-529/04,
VEMPALLY P.O., KANAKKARY,
MEENACHIL, KOTTAYAM
REPRESENTED BY ITS PRESIDENT T. JOSEPH,
AGED 55 YEARS,
S/O. THOMAS,
KANIYARAKATTU HOUSE,
KURAVILANGAD,KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:
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1. DISTRICT SUPERINTENDENT OF POLICE,
KOTTAYAM.

2. THE DY.SUPERIINTENDENT OF POLICE,
KOTTAYAM.

3. THE CIRCLE INSPECTOR OF POLICE,
ETTUMANOOR.

4. THE SUB INSPECTOR OF POLICE,
KURAVILANGAD

5. N.V.GEORGE,
S/O. VAREETH,
RESIDING AT NEREPARAMBIL HOUSE,
GEO BHAVAN, KSRTC ROAD,
CHALAKUDY,THRISSUR.

BY SPL. GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	:	TRUE COPY OF THE RESOLUTION DATED 13.12.2004 AND THE LIST OF MANAGING COMMITTEE OF THE PETITIONER.
EXT.P2	:	A TRUE COPY OF THE MEMORANDUM OF ASSOCIATION OF THE PETITIONER SOCIETY.
EXT.P3	:	A TRUE COPY OF THE LETTER SENT BY T. JOSEPH TO THE DISTRICT REGISTRAR.
EXT.P4	:	A TRUE COPY OF THE LIST OF THE MANAGING COMMITTEE OF THE PETITIONER SOCIETY ISSUED BY THE DISTRICT REGISTRAR.
EXT.P5	:	TRUE COPY OF THE COMPLAINT AND THE FIR IN CRIME NO. 168/2007 OF KURAVILANGAD POLICE STATION.
EXT.P6	:	TRUE COPY OF THE FIR IN CRIME NO. 187/2007 ALONGWITH COPY OF THE COMPLAINT FILED BY THE SOCIETY.
EXT.P7	:	TRUE COPY OF THE COMPLAINT DATED 16.07.2007 FILED BY THE PETITIONER TO THE 4TH RESPONDENT.
EXT.P8	:	TRUE COPY OF THE FIR IN CRIME NO. 167/2007 ALONGWITH THE COMPLAINT FILED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
EXT.P9.	:	TRUE COPY OF THE FIR IN CRIME NO. 166/2007.

/TRUE COPY/

P.S. TO JUDGE.

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 27216 OF 2007 M

Dated this the 25th September, 2007

JUDGMENT

H.L.DATTU, C.J.

Petitioner is a society registered under the provisions of the Travancore Cochin Literary Scientific and Charitable Societies Registration Act. According to the petitioner society, it is in possession and enjoyment of 5.6 Ares of garden land with building, situated in several survey numbers in Kanakkary village in Meenachil Taluk.

2. In this petition filed under Article 226 of the Constitution of India, the petitioner asserts that the fifth respondent in the Writ Petition is interfering with the activities of the petitioner society. In the petition, it is further stated that there is a civil dispute between the petitioner society and the fifth respondent.

3. In this petition filed, petitioner seeks the following reliefs. They are as under:

> "i) Issue a writ of mandamus or other appropriate writ, order or direction directing the respondents 1 to 3 to provide sufficient and adequate police protection to the petitioner society, its properties and lives of the managing committee members and employees against the illegal acts of the 5th respondent and his henchmen;
>
> ii) Declare that the 5th respondent has no manner of right to interfere with the administration and management of the petitioner society and to obstruct the day-to-day function of the society; and
>
> iii) Grant such other reliefs, as this Hon'ble Court may deem just and proper in the interest of justice, including costs."

4. Admittedly, when the fifth respondent interfered with the activities of the petitioner society, the society has lodged a complaint before the police authorities and the said complaint is registered and investigation is going on. Secondly, there is a civil dispute between the petitioner society and the fifth respondent in so far as the management of the affairs of the society. If for any reason, the fifth respondent is interfering with the activities of the petitioner society, in our opinion, the petitioner society has to approach the appropriate civil forum for appropriate reliefs.

5. In view of the aforesaid reasons, in our opinion, the reliefs sought for by the petitioner society in this Writ Petition cannot be granted by us. Accordingly, the Writ Petition is rejected. However, liberty is reserved to the petitioner society to approach the appropriate civil forum for appropriate reliefs.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

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